IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

WP(C).No. 4018 of 2007(C)

PETITIONER:

K. RAVEENDRAN PILLAI,
S/O. K.R.KRISHNAN PILLAI, AGED 64 YEARS, MANAGER,
VOCATIONAL HIGHER SECONDARY SCHOOL & HIGH SCHOOL,
MANNADI.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:
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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
TRIVANDRUM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
KOLLAM DISTRICT.

3. THE DISTRICT EDUCATIONAL OFFICER,
KOTTARAKKARA.

4. THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY, TRIVANDRUM-14.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C).No.4018 OF 2007

Dated this the 7th day of March, 2007

JUDGMENT

Petitioner is the manager of a Vocational Higher Secondary School and High School, Mannadi. He challenges Ext.P4 and further action thereof. One of the contention taken is that it is barred as the verification is permissible only if it is done on or before 31st December. It is seen that it is done beyond that time. He refers to Explanation to Sub Rule 4 of Rule 12 in this regard. In the previous year i.e. 2005-06 DPI has passed an order finding that there is bogus admission. But that is challenged before the Government and pending orders. In the year 2006-07, staff fixation orders have not been finalised. According to the petitioner staff fixation order has to be finalised without taken into account Ext.P4 as the petitioner did not want any additional division, in which case alone there is warrant for higher level verification. He also points

out that this is a case where even in the previous year there were 10 divisions and no division beyond 10 divisions is sought for in 2006-07.

2. A statement is filed, wherein it is interalia stated as follows:

> In 2006-07 super check cell detected bogus admissions and order was passed by the DPI and staff strength was refixed. It is stated that as per the one day verification report, DEO has recommended for higher level verification. Based on the recommendation made by the DEO and as per the provisions contemplated in Rule 12D of Chapter XXIII KER, the Deputy Director conducted higher level verification. As per the higher level verification report of the Deputy Director, school is eligible to 8 divisions. It is further stated that this court may direct to finalise staff strength based on higher level verification report to avoid huge loss to the Government exchequer.

3. Having heard learned counsel for the petitioner and

learned Government Pleader, the writ petition is disposed of as follows:

Leaving open the contentions of the petitioner in regard to Ext.P4, I direct that if the staff fixation orders for the year 2006-07 are finalised on the basis of Ext.P4, it is open to the petitioner to ventilate his grievances against the same in accordance with law. Leaving open the said right of the petitioner, the writ petition is disposed of .

K.M.JOSEPH
JUDGE

sv.